



Senate

General Assembly

File No. 353

February Session, 2002

Substitute Senate Bill No. 190

Senate, April 8, 2002

The Committee on Government Administration and Elections reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REVISING CERTAIN ELECTIONS AND CAMPAIGN FINANCE STATUTES AND CONCERNING CAMPAIGN CONTRIBUTIONS BY PERSONS ASSOCIATED WITH INVESTMENT FIRMS DOING BUSINESS WITH THE STATE TREASURER AND MEETINGS OF CAUCUSES UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-290 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 (a) The selectmen shall provide, at the entrance into the enclosure
4 prescribed by section 9-289, a ballot booth at which the elector shall
5 obtain [his] the elector's ballot. Each ballot booth shall be in charge of
6 two ballot clerks, not of the same political party, who shall be
7 appointed by the registrars. [, one of whom]

8 (b) In each primary, election or referendum, when an elector has
9 entered the polling place, the elector shall (1) announce the elector's

10 street address, if any, and name to the checkers in a tone sufficiently
11 loud and clear to enable all the election officials present to hear the
12 same, and (2) (A) present to the checkers the elector's Social Security
13 card or any other preprinted form of identification which shows the
14 elector's name and either the elector's address, signature or
15 photograph, or (B) sign a statement under penalty of false statement,
16 on a form prescribed by the Secretary of the State, that the elector is the
17 person whose name appears on the official checklist. Each checker
18 shall check the name of such elector on the official checklist. No
19 political party shall have more than one challenger. The moderator
20 may allow in the polling place any witnesses that may be required in
21 the case of a challenge, provided the moderator shall not allow in more
22 than one witness at a time.

23 (c) In each polling place in which two or more parties are holding
24 primaries in which unaffiliated electors are authorized to vote
25 pursuant to section 9-431, an unaffiliated elector shall also announce to
26 the separate table of checkers for unaffiliated electors the party in
27 whose primary the elector chooses to vote and the checkers shall note
28 such party when checking such elector's name on the checklist of
29 unaffiliated electors. Such choice shall not alter the elector's
30 unaffiliated status.

31 (d) In each polling place in which two or more parties are holding
32 primaries in which unaffiliated electors are authorized to vote or in
33 which one party is holding a primary in which unaffiliated electors are
34 authorized to vote for some but not all offices to be contested at the
35 primary, the checkers shall give to each elector checked a receipt
36 provided by the municipal clerk, in a form prescribed by the Secretary
37 of the State, specifying either (1) the party with which the elector is
38 enrolled, if any, or (2) in the case of an unaffiliated elector, the party in
39 whose primary the elector has chosen to vote and whether the elector
40 is authorized to vote for only a partial ballot.

41 (e) If not challenged by any of the election officials, the elector shall
42 be permitted to pass the railing to the side where the ballot booth is

43 located. The elector shall give any receipt the elector has received to a
44 ballot clerk at the ballot booth to which the elector is directed and the
45 ballot clerk shall permit the elector to vote only in the primary of the
46 party specified by the receipt and, if applicable, at the separate ballot
47 booth with the partial ballot specified by the receipt. One of the ballot
48 clerks shall deliver to such elector one official ballot, [and no more;
49 but, in case] except that if any elector so defaces or injures any such
50 ballot as to render it unfit for use, upon the return of such ballot to the
51 ballot clerks, such clerks shall furnish [him] the elector with another
52 official ballot.

53 Sec. 2. Section 9-291 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective July 1, 2002*):

55 The ballot box shall be open for the reception of votes in an
56 enclosure which shall be so arranged that access to it shall be from the
57 room or rooms, booth or booths, in which the electors prepare their
58 ballots. The exit from such enclosure shall be into some other enclosure
59 or hall or into a public street or square, and the partition separating it
60 from the main hall shall not be less than three feet [nor] or more than
61 four feet in height. No person shall be allowed to enter or remain in the
62 enclosure where the ballot box and stub box are placed, at any election
63 held under the provisions of this part, except for the purpose of
64 depositing [his] the person's ballot, unless [he] the person is a
65 moderator, box-tender [,] or registrar, [checker or challenger,] except as
66 hereinafter provided. [; provided there shall not be more than one
67 challenger for each political party.] An elector may be accompanied
68 into the room or booth in which the electors prepare their ballots and
69 into the enclosure where the ballot box and stub box are placed by one
70 or more children who are fifteen years of age or younger and
71 supervised by the elector, if the elector is the parent or legal guardian
72 of such children. The moderator may admit into the enclosure where
73 the ballot box and the stub box are placed [any witnesses that may be
74 required in cases of challenge, but only one at a time, and also] such
75 officers with power of arrest as may be required, but only when
76 actually required to preserve order or enforce any of the provisions

77 hereof. No person shall give or offer to any elector, in any such room
78 or booth, any ballot to be used in voting, or place any ballots in such
79 room or booth for the use of electors [,] or for any other purpose.

80 Sec. 3. Section 9-293 of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective July 1, 2002*):

82 The moderator shall place the boxes before the box-tenders, in a
83 location conveniently accessible to the electors, and publicly call upon
84 the electors to bring in their ballots for such officers as are to be voted
85 for. The electors shall, under the direction of the moderators in their
86 respective towns or voting districts, lay the ballots, folded as provided
87 in section 9-275, one at a time, on the lid of the ballot box. The box-
88 tender shall [, after the elector's name is found and checked on the
89 registry list, and after any challenge of the vote has been decided in
90 favor of the elector offering such ballot, and not before,] tear or remove
91 the stub from such ballot, [and] shall deposit the ballot in the box
92 marked ["ballots,"] "ballots", without opening the same or exposing to
93 view any part of its face, and shall deposit the stub in the box marked
94 "stubs".

95 Sec. 4. Subsection (b) of section 9-333b of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *January 1, 2003, and applicable to primaries and elections held on or after said*
98 *date*):

99 (b) As used in this chapter, "contribution" does not mean:

100 (1) A loan of money made in the ordinary course of business by a
101 national or state bank;

102 (2) Any communication made by a corporation, organization or
103 association to its members, owners, stockholders, executive or
104 administrative personnel, or their families;

105 (3) Nonpartisan voter registration and get-out-the-vote campaigns
106 by any corporation, organization or association aimed at its members,
107 owners, stockholders, executive or administrative personnel, or their

108 families;

109 (4) Uncompensated services provided by individuals volunteering
110 their time;

111 (5) The use of real or personal property, and the cost of invitations,
112 food or beverages, voluntarily provided by an individual to a
113 candidate or on behalf of a state central or town committee, in
114 rendering voluntary personal services for candidate or party-related
115 activities at the individual's residence, to the extent that the cumulative
116 value of the invitations, food or beverages provided by the individual
117 on behalf of any single candidate does not exceed two hundred dollars
118 with respect to any single election, and on behalf of all state central
119 and town committees does not exceed four hundred dollars in any
120 calendar year;

121 (6) The sale of food or beverage for use in a candidate's campaign or
122 for use by a state central or town committee at a discount, if the charge
123 is not less than the cost to the vendor, to the extent that the cumulative
124 value of the discount given to or on behalf of any single candidate does
125 not exceed two hundred dollars with respect to any single election,
126 and on behalf of all state central and town committees does not exceed
127 four hundred dollars in a calendar year;

128 (7) Any unreimbursed payment for travel expenses made by an
129 individual who on [his] the individual's own behalf volunteers [his]
130 the individual's personal services to any single candidate to the extent
131 the cumulative value does not exceed two hundred dollars with
132 respect to any single election, and on behalf of all state central or town
133 committees does not exceed four hundred dollars in a calendar year;

134 (8) The payment, by a party committee, political committee or an
135 individual, of the costs of preparation, display, mailing or other
136 distribution incurred by the committee or individual with respect to
137 any printed slate card, sample ballot or other printed list containing
138 the names of three or more candidates;

139 (9) The donation of any item of personal property by an individual
140 to a committee for a fund-raising affair, including a tag sale or auction,
141 or the purchase by an individual of any such item at such an affair, to
142 the extent that the cumulative value donated or purchased does not
143 exceed fifty dollars;

144 (10) The purchase of advertising space which clearly identifies the
145 purchaser, in a program for a fund-raising affair, provided the
146 cumulative purchase of such space does not exceed two hundred fifty
147 dollars from any single candidate or [his] the candidate's committee
148 with respect to any single election campaign or two hundred fifty
149 dollars from any single party committee or other political committee in
150 any calendar year if the purchaser is a business entity or fifty dollars
151 for purchases by any other person;

152 (11) The payment of money by a candidate to [his] the candidate's
153 candidate committee;

154 (12) The donation of goods or services by a business entity to a
155 committee for a fund-raising affair, including a tag sale or auction, to
156 the extent that the cumulative value donated does not exceed one
157 hundred dollars;

158 (13) The advance of a security deposit by an individual to a
159 telephone company, as defined in section 16-1, as amended, for
160 telecommunications service for a committee, provided the security
161 deposit is refunded to the individual; [or]

162 (14) The provision of facilities, equipment, technical and managerial
163 support, and broadcast time by a community antenna television
164 company, as defined in section 16-1, as amended, for community
165 access programming pursuant to section 16-331a, unless (A) the major
166 purpose of providing such facilities, equipment, support and time is to
167 influence the nomination or election of a candidate, or (B) such
168 facilities, equipment, support and time are provided on behalf of a
169 political party; or

170 (15) The sale of food or beverage by a town committee to an
171 individual at a town fair, county fair or similar mass gathering held
172 within the state, to the extent that the cumulative payment made by
173 any one individual for such items does not exceed fifty dollars.

174 Sec. 5. Section 9-333d of the general statutes is amended by adding
175 subsection (d) as follows (*Effective from passage*):

176 (NEW) (d) (1) In addition to its jurisdiction over persons who are
177 residents of this state, the State Elections Enforcement Commission
178 may exercise personal jurisdiction over any nonresident person, or the
179 agent of such nonresident person, who makes a payment of money,
180 gives anything of value or makes a contribution or expenditure to or
181 for the benefit of any committee or candidate.

182 (2) Where personal jurisdiction is based solely upon this subsection,
183 an appearance does not confer personal jurisdiction with respect to
184 causes of action not arising from an act enumerated in this subsection.

185 (3) Any nonresident person or the agent of such person over whom
186 the State Elections Enforcement Commission may exercise personal
187 jurisdiction, as provided in subdivision (1) of this subsection, shall be
188 deemed to have appointed the Secretary of the State as the person's or
189 agent's attorney and to have agreed that any process in any complaint,
190 investigation or other matter conducted pursuant to section 9-7b and
191 brought against the nonresident person, or said person's agent, may be
192 served upon the Secretary of the State and shall have the same validity
193 as if served upon such nonresident person or agent personally. The
194 process shall be served upon the Secretary of the State by the officer to
195 whom the same is directed by leaving with or at the office of the
196 Secretary of the State, at least twelve days before any required
197 appearance day of such process, a true and attested copy of such
198 process, and by sending to the nonresident person or agent so served,
199 at the person's or agent's last-known address, by registered or certified
200 mail, postage prepaid, a like and attested copy with an endorsement
201 thereon of the service upon the Secretary of the State. The Secretary of
202 the State shall keep a record of each such process and the day and hour

203 of service.

204 Sec. 6. Subsection (b) of section 9-333f of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective*
206 *January 1, 2003, and applicable to primaries and elections held on or after said*
207 *date*):

208 (b) The formation of a candidate committee by a candidate and the
209 filing of statements pursuant to section 9-333j, as amended by this act,
210 shall not be required if the candidate files a certification with the
211 proper authority required by section 9-333e, at any time prior to the
212 acceptance of a contribution or making of an expenditure and any of
213 the following conditions exist for the campaign: (1) The candidate is
214 one of a slate of candidates whose campaigns are funded solely by a
215 party committee or a political committee formed for a single election or
216 primary and expenditures made on behalf of the candidate's campaign
217 are reported by the committee sponsoring [his] the candidate's
218 candidacy; (2) the candidate finances [his] the candidate's campaign
219 entirely from personal funds and does not solicit or receive
220 contributions, provided if said candidate personally makes an
221 expenditure or expenditures in excess of one thousand dollars to, or
222 for the benefit of, said candidate's campaign for nomination at a
223 primary or election to an office or position, said candidate shall file
224 statements according to the same schedule and in the same manner as
225 is required of a campaign treasurer of a candidate committee under
226 section 9-333j; or (3) the candidate does not receive or expend funds in
227 excess of [five hundred] one thousand dollars. If the candidate no
228 longer qualifies for the exemption under any of these conditions, [he]
229 the candidate shall comply with the provisions of subsection (a) of this
230 section, not later than three business days thereafter and shall provide
231 [his] the candidate's designated campaign treasurer with all
232 information required for completion of the treasurer's statements and
233 filings as required by section 9-333j, as amended by this act. If the
234 candidate no longer qualifies for the exemption due to the condition
235 stated in [his] the candidate's certification but so qualifies due to a
236 different condition specified in this subsection, [he] the candidate shall

237 file an amended certification with the proper authority and provide the
238 new condition for [his] the candidate's qualification not later than three
239 business days following the change in circumstances of the financing
240 of [his] the candidate's campaign. The filing of a certification under this
241 subsection shall not relieve the candidate from compliance with the
242 provisions of this chapter.

243 Sec. 7. Subsection (d) of section 9-333g of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective*
245 *January 1, 2003, and applicable to primaries and elections held on or after said*
246 *date*):

247 (d) A group of two or more individuals who have joined solely to
248 promote the success or defeat of a referendum question shall not be
249 required to file as a political committee, make such designations in
250 accordance with subsections (a) and (b) of this section or file
251 statements pursuant to section 9-333j, as amended by this act, if the
252 group does not receive or expend in excess of [five hundred] one
253 thousand dollars for the entire campaign and the agent of such
254 individuals files a certification with the proper authority or authorities
255 as required under section 9-333e before an expenditure is made. The
256 certification shall include the name of the group, or the names of the
257 persons who comprise the group, and the name and address of the
258 agent which shall appear on any communication paid for or sponsored
259 by the group as required by section 9-333w. If the group receives or
260 expends in excess of [five hundred] one thousand dollars, the agent
261 shall complete the statement of organization and file as a political
262 committee not later than three business days thereafter. The agent shall
263 provide the designated campaign treasurer with all information
264 required for completion of the statements for filing as required by
265 section 9-333j, as amended by this act. The filing of a certification
266 under this subsection shall not relieve the group from compliance with
267 the provisions of this chapter, and the group shall be considered a
268 political committee established solely for a referendum question for
269 purposes of the limitations on contributions and expenditures.

270 Sec. 8. Subsection (d) of section 9-333h of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective*
272 *January 1, 2003, and applicable to primaries and elections held on or after said*
273 *date*):

274 (d) No person shall act as a campaign treasurer or deputy campaign
275 treasurer unless [he] the person is an elector of this state, and a
276 statement, signed by the chairman in the case of a party committee or
277 political committee or by the candidate in the case of a candidate
278 committee, designating [him] the person as campaign treasurer or
279 deputy campaign treasurer, has been filed in accordance with section
280 9-333e. In the case of a political committee, the filing of a statement of
281 organization by the chairman of the committee, in accordance with the
282 provisions of section 9-333g, as amended by this act, shall constitute
283 compliance with the filing requirements of this section. No provision
284 of this subsection shall prevent the campaign treasurer, deputy
285 campaign treasurer or solicitor of any committee from being the
286 campaign treasurer, deputy campaign treasurer or solicitor of any
287 other committee or prevent any committee from having more than one
288 solicitor, but no candidate shall have more than one campaign
289 treasurer. A candidate shall not serve as [his] the candidate's own
290 campaign treasurer or deputy campaign treasurer, except that a
291 candidate who is exempt from forming a candidate committee under
292 subsection (b) of section 9-333f, as amended by this act, and has filed a
293 certification that [he] the candidate is financing [his] the candidate's
294 campaign from [his] the candidate's own personal funds or is not
295 receiving or expending in excess of [five hundred] one thousand
296 dollars may perform the duties of a campaign treasurer for [his] the
297 candidate's own campaign.

298 Sec. 9. Subsections (e) and (f) of section 9-333i of the general statutes
299 are repealed and the following is substituted in lieu thereof (*Effective*
300 *January 1, 2003, and applicable to primaries and elections held on or after said*
301 *date*):

302 (e) (1) Any such payment shall be by check drawn by the campaign

303 treasurer, on the designated depository. [Each such treasurer] Any
304 payment in satisfaction of any financial obligation incurred by a party
305 committee may also be made by debit card. (2) The campaign treasurer
306 of each committee may draw a check, not to exceed one hundred
307 dollars, to establish a petty cash fund and may deposit additional
308 funds to maintain it, but the fund shall not exceed one hundred dollars
309 at any time. All expenditures from a petty cash fund shall be reported
310 in the same manner as any other expenditure.

311 (f) The campaign treasurer shall preserve all internal records of
312 transactions entered in reports filed pursuant to section 9-333j, as
313 amended by this act, for four years from the date of the report in which
314 the transactions were entered. If any checks are issued pursuant to
315 subsection (e) of this section, the campaign treasurer who [issued]
316 issues them shall preserve all cancelled checks and bank statements for
317 four years from the date on which they [were] are issued. If debit card
318 payments are made pursuant to subsection (e) of this section, the
319 campaign treasurer who makes said payments shall preserve all debit
320 card slips and bank statements for four years from the date on which
321 the payments are made. In the case of a candidate committee, the
322 campaign treasurer or the candidate, if the candidate so requests, shall
323 preserve all internal records, cancelled checks and bank statements for
324 four years from the date of the last report required to be filed under
325 subsection (a) of section 9-333j, as amended by this act.

326 Sec. 10. Subsection (e) of section 9-333m of the general statutes is
327 repealed and the following is substituted in lieu thereof (*Effective*
328 *January 1, 2003, and applicable to primaries and elections held on or after said*
329 *date*):

330 (e) No individual shall make a contribution to any candidate or
331 committee, other than a contribution in kind, in excess of one hundred
332 dollars except by personal check or credit card of that individual.

333 Sec. 11. Subsection (f) of section 9-333n of the general statutes is
334 repealed and the following is substituted in lieu thereof (*Effective from*
335 *passage*):

336 (f) (1) As used in this subsection, (A) "investment services" means
337 investment legal services, investment banking services, investment
338 advisory services, underwriting services, financial advisory services or
339 brokerage firm services, and (B) "principal of an investment services
340 firm" means (i) an individual who is a director of or has an ownership
341 interest in an investment services firm to which the State Treasurer
342 pays compensation, expenses or fees or issues a contract, except for an
343 individual who owns less than five per cent of the shares of an
344 investment services firm which is a publicly traded corporation, (ii) an
345 individual who is employed by such an investment services firm as
346 president, treasurer, or executive or senior vice president, (iii) an
347 employee of such an investment services firm who has managerial or
348 discretionary responsibilities with respect to any investment services
349 provided to the State Treasurer, (iv) the spouse or a dependent child of
350 an individual described in this subparagraph, or (v) a political
351 committee established by or on behalf of an individual described in
352 this subparagraph.

353 (2) No [individual who is an owner of a firm which provides
354 investment services and to which the Treasurer pays compensation,
355 expenses or fees or issues a contract, and no individual who is
356 employed by such a firm as a manager, officer, director, partner or
357 employee with managerial or discretionary responsibilities to invest,
358 manage funds or provide investment services for brokerage,
359 underwriting and financial advisory activities which are in the
360 statutory and constitutional purview of the Treasurer,] principal of an
361 investment services firm shall make a contribution [on or after October
362 1, 1995,] to, or solicit contributions [on or after said date] on behalf of,
363 an exploratory committee or candidate committee established by a
364 candidate for nomination or election to the office of State Treasurer
365 during the term of office of the State Treasurer [which] who pays
366 compensation, expenses or fees or issues a contract to such firm.

367 (3) Neither the State Treasurer, the Deputy State Treasurer, any
368 unclassified employee of the office of the State Treasurer acting on
369 behalf of the State Treasurer or Deputy State Treasurer, any candidate

370 for the office of State Treasurer, nor any [member of the Investment
371 Advisory Council established under section 3-13b] agent of any such
372 candidate may solicit contributions on behalf of an exploratory
373 committee or candidate committee established by a candidate for
374 nomination or election to any public office, a political committee or a
375 party committee, from a principal of an investment services firm. [from
376 any individual who is an owner of a firm which provides investment
377 services and to which the Treasurer pays compensation, expenses or
378 fees or issues a contract, or from any individual who is employed by
379 such a firm as a manager, officer, director, partner or employee with
380 managerial or discretionary responsibilities to invest, manage funds or
381 provide investment services for brokerage, underwriting and financial
382 advisory activities which are in the statutory and constitutional
383 purview of the Treasurer.]

384 (4) No member of the Investment Advisory Council appointed
385 under section 3-13b shall make a contribution to, or solicit
386 contributions on behalf of, an exploratory committee or candidate
387 committee established by a candidate for nomination or election to the
388 office of State Treasurer.

389 [(5) No individual who is an owner of a firm which provides
390 investment services and to which the Treasurer pays compensation,
391 expenses or fees or issues a contract, and no individual who is
392 employed by such a firm as a manager, officer, director, partner or
393 employee with managerial or discretionary responsibilities to invest,
394 manage funds or provide investment services for brokerage,
395 underwriting and financial advisory activities which are in the
396 statutory and constitutional purview of the Treasurer, may make a
397 contribution to, or solicit contributions on behalf of, an exploratory
398 committee or candidate committee established by a candidate for
399 nomination or election to any public office.]

400 (5) The provisions of this subsection shall not restrict an individual
401 from establishing an exploratory or candidate committee for the
402 individual's own campaign or from soliciting contributions for such

403 committees from persons not prohibited from making contributions
404 under this subsection.

405 Sec. 12. Subsection (f) of section 9-333o of the general statutes is
406 repealed and the following is substituted in lieu thereof (*Effective from*
407 *passage*):

408 (f) As used in this subsection, "investment services" means
409 investment legal services, investment banking services, investment
410 advisory services, underwriting services, financial advisory services or
411 brokerage firm services. No political committee established by a firm
412 which provides investment services and to which the State Treasurer
413 pays compensation, expenses or fees or issues a contract shall make a
414 contribution [on or after October 1, 1995,] to, or solicit contributions
415 [on or after said date] on behalf of, an exploratory committee or
416 candidate committee established by a candidate for nomination or
417 election to the office of State Treasurer during the term of office of the
418 State Treasurer [which] who does business with such firm.

419 Sec. 13. Subsection (n) of section 1-84 of the general statutes is
420 repealed and the following is substituted in lieu thereof (*Effective from*
421 *passage*):

422 (n) (1) As used in this subsection, (A) "investment services" means
423 investment legal services, investment banking services, investment
424 advisory services, underwriting services, financial advisory services or
425 brokerage firm services, and (B) "principal of an investment services
426 firm" means (i) an individual who is a director of or has an ownership
427 interest in an investment services firm, except for an individual who
428 owns less than five per cent of the shares of an investment services
429 firm which is a publicly traded corporation, (ii) an individual who is
430 employed by an investment services firm as president, treasurer, or
431 executive or senior vice president, (iii) an employee of such an
432 investment services firm who has managerial or discretionary
433 responsibilities with respect to any investment services, (iv) the spouse
434 or dependent child of an individual described in this subparagraph, or
435 (v) a political committee established by or on behalf of an individual

436 described in this subparagraph.

437 (2) The State Treasurer shall not pay any compensation, expenses or
438 fees or issue any contract to any firm which provides investment
439 services when [(1)] (A) a political committee, as defined in section 9-
440 333a, established by such firm, or [(2) an individual who is an owner of
441 such firm or employed by such firm as a manager, officer, director,
442 partner or employee with managerial or discretionary responsibilities
443 to invest, manage funds or provide investment services for brokerage,
444 underwriting and financial advisory activities which are in the
445 statutory and constitutional purview of the Treasurer,] (B) a principal
446 of the investment services firm has made a contribution, as defined in
447 section 9-333b, [on or after October 1, 1995,] to, or solicited
448 contributions [on or after said date] on behalf of, any exploratory
449 committee or candidate committee, as defined in section 9-333a,
450 established by the State Treasurer as a candidate for nomination or
451 election to the office of State Treasurer. The State Treasurer shall not
452 pay any compensation, expenses or fees or issue any contract to such
453 firms [and individuals] or principals during the term of office as State
454 Treasurer, including, for an incumbent State Treasurer seeking
455 reelection, any remainder of the current term of office.

456 Sec. 14. Section 9-333x of the general statutes is repealed and the
457 following is substituted in lieu thereof (*Effective January 1, 2003, and*
458 *applicable to primaries and elections held on or after said date*):

459 The following persons shall be guilty of [corrupt] illegal practices
460 and shall be punished in accordance with the provisions of section
461 9-333y:

462 (1) Any person who, directly or indirectly, individually or by
463 another person, gives or offers or promises to any person any money,
464 gift, advantage, preferment, entertainment, aid, emolument or other
465 valuable thing for the purpose of inducing or procuring any person to
466 sign a nominating, primary or referendum petition or to vote or refrain
467 from voting for or against any person or for or against any measure at
468 any election, caucus, convention, primary or referendum;

469 (2) Any person who, directly or indirectly, receives, accepts,
470 requests or solicits from any person, committee, association,
471 organization or corporation, any money, gift, advantage, preferment,
472 aid, emolument or other valuable thing for the purpose of inducing or
473 procuring any person to sign a nominating, primary or referendum
474 petition or to vote or refrain from voting for or against any person or
475 for or against any measure at any such election, caucus, primary or
476 referendum;

477 (3) Any person who, in consideration of any money, gift, advantage,
478 preferment, aid, emolument or other valuable thing paid, received,
479 accepted or promised to the person's advantage or any other person's
480 advantage, votes or refrains from voting for or against any person or
481 for or against any measure at any such election, caucus, primary or
482 referendum;

483 (4) Any person who solicits from any candidate any money, gift,
484 contribution, emolument or other valuable thing for the purpose of
485 using the same for the support, assistance, benefit or expenses of any
486 club, company or organization, or for the purpose of defraying the cost
487 or expenses of any political campaign, primary, referendum or
488 election;

489 (5) Any person who, directly or indirectly, pays, gives, contributes
490 or promises any money or other valuable thing to defray or towards
491 defraying the cost or expenses of any campaign, primary, referendum
492 or election to any person, committee, company, club, organization or
493 association, other than to a campaign treasurer, except that this
494 subdivision shall not apply to any expenses for postage, telegrams,
495 telephoning, stationery, express charges, traveling, meals, lodging or
496 photocopying incurred by any candidate for office or for nomination to
497 office, so far as may be permitted under the provisions of this chapter;

498 (6) Any person who, in order to secure or promote the person's own
499 nomination or election as a candidate, or that of any other person,
500 directly or indirectly, promises to appoint, or promises to secure or
501 assist in securing the appointment, nomination or election of any other

502 person to any public position, or to any position of honor, trust or
503 emolument; but any person may publicly announce the person's own
504 choice or purpose in relation to any appointment, nomination or
505 election in which the person may be called to take part, if the person is
506 nominated for or elected to such office;

507 (7) Any person who, directly or indirectly, individually or through
508 another person, makes a payment or promise of payment to a
509 campaign treasurer in a name other than the person's own, and any
510 campaign treasurer who knowingly receives a payment or promise of
511 payment, or enters or causes the same to be entered in the person's
512 accounts in any other name than that of the person by whom such
513 payment or promise of payment is made;

514 (8) Any person who knowingly and wilfully violates any provision
515 of this chapter;

516 (9) Any person who offers or receives a cash contribution in excess
517 of [fifty] one hundred dollars to promote the success or defeat of any
518 political party, candidate or referendum question;

519 (10) Any person who solicits, makes or receives a contribution that
520 is otherwise prohibited by any provision of this chapter; or

521 (11) Any department head or deputy department head of a state
522 department who solicits a contribution on behalf of, or for the benefit
523 of, any candidate for state, district or municipal office or any political
524 party.

525 Sec. 15. Section 7-6 of the general statutes is repealed and the
526 following is substituted in lieu thereof (*Effective from passage*):

527 At any town meeting other than a regular or special town election
528 or at any meeting of any fire, sewer or school district or any other
529 municipal subdivision of any town incorporated by any special act,
530 any person who is an elector of such town may vote and any citizen of
531 the United States of the age of eighteen years or more who, jointly or
532 severally, is liable to the town, district or subdivision for taxes assessed

533 against him on an assessment of not less than one thousand dollars on
534 the last-completed grand list of such town, district or subdivision, or
535 who would be so liable if not entitled to an exemption under
536 subdivision (17), (19), (22), (23), (25) or (26) of section 12-81, may vote,
537 unless restricted by the provisions of any special act relating to such
538 town, district or subdivision.

539 Sec. 16. Subsection (a) of section 9-35 of the general statutes is
540 repealed and the following is substituted in lieu thereof (*Effective from*
541 *passage*):

542 (a) The registrars, on the Tuesday of the fifth week before each
543 regular election, shall be in session for the purpose of completing a
544 correct list of all electors who will be entitled to vote at such election.
545 Such registry list shall consist of an active registry list and an inactive
546 registry list. Such session shall be held during such hours between nine
547 o'clock a.m. and five o'clock p.m. as the registrars find necessary to
548 complete the list. Notice of such session shall be given at least five days
549 before the session by publication in a newspaper having a circulation
550 in such municipality, if any, and by posting on the signpost therein, if
551 any, or at some other exterior place near the office of the town clerk.
552 Such publication shall not be required to be in the form of a legal
553 advertisement.

554 Sec. 17. Section 1-200 of the general statutes, as amended by section
555 1 of public act 01-169, is repealed and the following is substituted in
556 lieu thereof (*Effective from passage*):

557 As used in this chapter, the following words and phrases shall have
558 the following meanings, except where such terms are used in a context
559 which clearly indicates the contrary:

560 (1) "Public agency" or "agency" means:

561 (A) Any executive, administrative or legislative office of the state or
562 any political subdivision of the state and any state or town agency, any
563 department, institution, bureau, board, commission, authority or

564 official of the state or of any city, town, borough, municipal
565 corporation, school district, regional district or other district or other
566 political subdivision of the state, including any committee of, or
567 created by, any such office, subdivision, agency, department,
568 institution, bureau, board, commission, authority or official, and also
569 includes any judicial office, official, or body or committee thereof but
570 only with respect to its or their administrative functions;

571 (B) Any person to the extent such person is deemed to be the
572 functional equivalent of a public agency pursuant to law; or

573 (C) Any "implementing agency", as defined in section 32-222, as
574 amended.

575 (2) "Meeting" means any hearing or other proceeding of a public
576 agency, any convening or assembly of a quorum of a multimember
577 public agency, and any communication by or to a quorum of a
578 multimember public agency, whether in person or by means of
579 electronic equipment, to discuss or act upon a matter over which the
580 public agency has supervision, control, jurisdiction or advisory power.
581 "Meeting" [shall] does not include: Any meeting of a personnel search
582 committee for executive level employment candidates; any chance
583 meeting, or a social meeting neither planned nor intended for the
584 purpose of discussing matters relating to official business; strategy or
585 negotiations with respect to collective bargaining; a caucus of members
586 of a single political party notwithstanding that such members also
587 constitute a quorum of a public agency; an administrative or staff
588 meeting of a single-member public agency; and communication
589 limited to notice of meetings of any public agency or the agendas
590 thereof. A quorum of the members of a public agency who are present
591 at any event which has been noticed and conducted as a meeting of
592 another public agency under the provisions of the Freedom of
593 Information Act shall not be deemed to be holding a meeting of the
594 public agency of which they are members as a result of their presence
595 at such event.

596 (3) "Caucus" means a convening or assembly of the enrolled

597 members of a single political party who are members of a public
598 agency within the state or a political subdivision. As used in this
599 section, "political party" means (A) a political party organized and
600 recognized as a political party under any provision of chapters 141 to
601 154, inclusive, or (B) the members of a multimember public agency,
602 which members constitute a majority of the membership of the agency,
603 or the other members of the agency who constitute a minority of the
604 membership of the agency, who register their intention to be
605 considered a majority caucus or minority caucus, as the case may be,
606 for the purposes of the Freedom of Information Act, provided (i) the
607 registration is made with the office of the Secretary of the State for any
608 such public agency of the state, in the office of the clerk of a political
609 subdivision of the state for any public agency of a political subdivision
610 of the state, or in the office of the clerk of each municipal member of
611 any multitown district or agency, (ii) no member is registered in more
612 than one caucus at any one time, and (iii) a member may remain a
613 registered member of the majority caucus or minority caucus
614 regardless of whether the member changes his or her party affiliation
615 under chapter 143.

616 (4) "Person" means natural person, partnership, corporation, limited
617 liability company, association or society.

618 (5) "Public records or files" means any recorded data or information
619 relating to the conduct of the public's business prepared, owned, used,
620 received or retained by a public agency, or to which a public agency is
621 entitled to receive a copy by law or contract under section 1-218,
622 whether such data or information be handwritten, typed, tape-
623 recorded, printed, photostated, photographed or recorded by any
624 other method.

625 (6) "Executive sessions" means a meeting of a public agency at
626 which the public is excluded for one or more of the following
627 purposes: (A) Discussion concerning the appointment, employment,
628 performance, evaluation, health or dismissal of a public officer or
629 employee, provided that such individual may require that discussion

630 be held at an open meeting; (B) strategy and negotiations with respect
631 to pending claims or pending litigation to which the public agency or a
632 member thereof, because of the member's conduct as a member of such
633 agency, is a party until such litigation or claim has been finally
634 adjudicated or otherwise settled; (C) matters concerning security
635 strategy or the deployment of security personnel, or devices affecting
636 public security; (D) discussion of the selection of a site or the lease, sale
637 or purchase of real estate by a political subdivision of the state when
638 publicity regarding such site, lease, sale, purchase or construction
639 would cause a likelihood of increased price until such time as all of the
640 property has been acquired or all proceedings or transactions
641 concerning same have been terminated or abandoned; and (E)
642 discussion of any matter which would result in the disclosure of public
643 records or the information contained therein described in subsection
644 (b) of section 1-210, as amended.

645 (7) "Personnel search committee" means a body appointed by a
646 public agency, whose sole purpose is to recommend to the appointing
647 agency a candidate or candidates for an executive-level employment
648 position. Members of a "personnel search committee" shall not be
649 considered in determining whether there is a quorum of the
650 appointing or any other public agency.

651 (8) "Pending claim" means a written notice to an agency which sets
652 forth a demand for legal relief or which asserts a legal right stating the
653 intention to institute an action in an appropriate forum if such relief or
654 right is not granted.

655 (9) "Pending litigation" means (A) a written notice to an agency
656 which sets forth a demand for legal relief or which asserts a legal right
657 stating the intention to institute an action before a court if such relief or
658 right is not granted by the agency; (B) the service of a complaint
659 against an agency returnable to a court which seeks to enforce or
660 implement legal relief or a legal right; or (C) the agency's consideration
661 of action to enforce or implement legal relief or a legal right.

662 (10) "Freedom of Information Act" means this chapter.

663 (11) "Governmental function" means the administration or
 664 management of a program of a public agency, which program has
 665 been authorized by law to be administered or managed by a person,
 666 where (A) the person receives funding from the public agency for
 667 administering or managing the program, (B) the public agency is
 668 involved in or regulates to a significant extent such person's
 669 administration or management of the program, whether or not such
 670 involvement or regulation is direct, pervasive, continuous or day-to-
 671 day, and (C) the person participates in the formulation of
 672 governmental policies or decisions in connection with the
 673 administration or management of the program and such policies or
 674 decisions bind the public agency. "Governmental function" shall not
 675 include the mere provision of goods or services to a public agency
 676 without the delegated responsibility to administer or manage a
 677 program of a public agency.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 7	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 8	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 9	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 10	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>January 1, 2003, and applicable to primaries and elections held on or after said date</i>

Sec. 15	<i>from passage</i>
Sec. 16	<i>from passage</i>
Sec. 17	<i>from passage</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - None	Elect. Enforcement Com.	None	None
GF - None	Freedom of Inf. Com.	None	None
GF - None	Secretary of the State	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Passage of this bill will result in no fiscal impact to the Office of the Secretary of the State or the Freedom of Information Commission.

This bill may result in a minimal workload increase to the State Elections Enforcement Commission, which can be absorbed within available appropriations.

OLR Bill Analysis

sSB 190

AN ACT REVISING CERTAIN ELECTIONS AND CAMPAIGN FINANCE STATUTES AND CONCERNING CAMPAIGN CONTRIBUTIONS BY PERSONS ASSOCIATED WITH INVESTMENT FIRMS DOING BUSINESS WITH THE STATE TREASURER AND MEETINGS OF CAUCUSES UNDER THE FREEDOM OF INFORMATION ACT**SUMMARY:**

This bill:

1. expands the campaign contribution solicitation restriction that applies to the state treasurer, deputy treasurer, candidates for treasurer, and members of the Investment Advisory Council (IAC), removes the IAC members from the restriction on soliciting contributions for any office other than the treasurer, removes the ban on contributions that individuals associated with firms doing business with the State Treasurer's Office can give to candidates for offices other than the treasurer, redefines the group associated with an investment services firm who are banned from contributing, and adds such a person's spouse, children, and political committee to the contribution ban;
2. expands the definition of a caucus under the exemptions to the Freedom of Information Act's (FOIA) open meeting requirements;
3. raises the threshold amount for the exemption from forming a committee and reporting contributions and expenditures;
4. creates an exemption from the campaign contribution definition;
5. authorizes the use of debit cards for party committee spending and credit cards for campaign contributions;
6. requires (a) voters at an election where paper ballots are used to show identification and (b) voting officials to determine voters' eligibility before, rather than after, they mark their ballots;
7. extends the State Elections Enforcement Commission's (SEEC) authority to include personal jurisdiction over a nonresident, or his agent, who contributes to any candidate, party committee, or political committee (known as a PAC);
8. conforms a provision designating illegal practices in the campaign finance law to the law on an individual's maximum allowable cash contribution;

9. clarifies a provision on who may vote at a town meeting; and
10. permits the notice that registrars of voters give of the date and time they will be compiling the voter registry list before an election to be published in a newspaper other than as a legal notice.

EFFECTIVE DATE: Upon passage for the provisions on investment services firms and campaign contributions, FOIA, SEEC's jurisdiction, town meetings, and the registrars of voters' notice; July 1, 2002 for the provisions on voting by paper ballots; and January 1, 2003 and applicable to primaries and elections held on and after that date for the provisions on campaign committee reporting requirements, campaign contributions, and the use of debit and credit cards, and illegal practices.

INVESTMENT SERVICES FIRMS

Current law bars high-ranking people associated with investment services firms to which the treasurer pays compensation, expenses, or fees or issues a contract from contributing to the campaign of any candidate for public office. It also prohibits the treasurer, the deputy treasurer, candidates for treasurer, and IAC members from soliciting campaign contributions for any candidate from such people. The bill adds (1) unclassified employees of the State Treasurer's Office acting on the treasurer's or deputy treasurer's behalf and (2) a treasurer's office candidate's agent to the list of those who cannot solicit contributions. It removes members of the IAC from the ban on soliciting contributions for candidates for offices other than treasurer.

The bill prohibits these officials, candidates, employees, and agents from soliciting contributions for PACs and party committees from the covered investment services company principals. It expands the group banned from making campaign contributions and makes the description of others currently covered by the ban more specific. In its definition of the principal of an investment services firm, the bill covers anyone with an ownership interest of 5% or more, rather than simply an "owner." It applies the ban to the firm's president, executive or senior vice president, and treasurer, instead of any officer. It makes it clear that the ban on employees with managerial or discretionary responsibilities covers people in those positions who work on investment services provided to the state treasurer. A director of such a firm is covered under the bill, as under current law. It (1) prohibits soliciting contributions from such an employee's spouse

or dependent child or from a PAC established by an individual who is an investment firm principal and (2) extends to them the ban on making contributions to a candidate for treasurer.

The bill permits those individuals associated with a covered investment services firm to contribute to the campaigns of candidates for public offices other than treasurer. It exempts an otherwise covered individual who is a candidate for office from the ban on soliciting contributions for his own campaign.

The bill makes the same changes to the definition of a “principal of an investment services firm” as that phrase is used in the Code of Ethics provision that prohibits the treasurer from paying compensation or issuing a contract for investment services to anyone who has contributed to, or solicited contributions for, his exploratory or candidate committee.

CAUCUS EXEMPTION

The bill allows members of a public agency to register with either the secretary of the state or town clerk their intention to act as a caucus, regardless of their political party affiliation, and thereby meet without being subject to the open meeting provisions of the Freedom of Information Act. The agency members who decide to form either a majority or minority caucus must register with:

1. the secretary of the state, if the agency is a state agency;
2. the town clerk or clerk of a political subdivision, if the agency is a local agency; or
3. the town clerk in every town of a multi-town district or agency, such as a regional school district.

The bill restricts each agency member to registering in only one caucus at a time. A member retains his caucus membership regardless of any change in his political party enrollment.

CAMPAIGN COMMITTEES

The bill increases, from \$500 to \$1,000, the threshold for (1) candidates and (2) groups that have joined to promote the success or defeat of a referendum question to form a committee and file financial statements. Those who expect to raise or spend less than the threshold are exempt.

It creates a filing requirement for candidates who personally finance their own campaigns and spend over \$1,000.

CAMPAIGN CONTRIBUTIONS

The bill exempts from the definition of a campaign contribution a town committee's sale of food or beverages costing an individual less than an aggregate of \$50 that takes place at a fair or similar gathering. It thereby removes the requirements that a town committee disclose the names of purchasers and that the purchases count toward an individual's campaign contribution limit.

DEBIT AND CREDIT CARDS

The bill allows campaign treasurers to use a debit card to pay a party committee's expense. If they do so, they must keep the debit card slips and bank statements for four years from the time the payments are made.

The bill permits individuals to make campaign contributions over \$100 by credit card. It codifies practice and the SEEC's position that credit card contributions are acceptable (Advisory Opinion No. 83-4), but broadens the commission's guidelines by allowing a contributor to use a credit card without requiring him to give the campaign treasurer a signed slip.

PAPER BALLOT ELECTIONS

The bill applies to voting by paper ballots the same procedures that voters follow when they use voting machines. The procedures apply at a primary, election, or referendum and require each voter to announce his name and address and show identification or sign a statement attesting to his identity. Officials check the voter's name on the official checklist and resolve any challenge before permitting the voter to cast a ballot. Under current law, at an event using paper ballots, officials verify a voter's eligibility after he marks his ballot. If they determine that he is not entitled to vote, the ballot is not deposited in the ballot box. The bill's provisions apply where two or more political parties are conducting a primary, including a primary in which one party permits unaffiliated voters to cast ballots for some or all offices when separate checklists are used.

SEEC AUTHORITY

The bill allows the SEEC to exercise personal jurisdiction over a nonresident, or his agent, who makes a campaign contribution or expenditure on behalf of a committee or candidate. It thereby authorizes the commission to require the person to appear personally or to present documents. It allows service of process on the secretary of the state for a nonresident.

ILLEGAL PRACTICE

The bill increases, from \$50 to \$100, the threshold over which a cash contribution is considered to be an illegal practice subject to penalties. This conforms to the law that requires contributions over \$100 to be made by personal check (or the use of a credit card, under the bill).

TOWN MEETING

Those who can vote at a town meeting are:

4. registered voters and
5. citizens who are at least 18 years old who own property in the town assessed at \$1,000 or more.

The bill specifies that the “citizens” must be U.S. citizens.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0